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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,446	10/15/2003	Gunner D. Danneels	P17634	6854
25694 7590 02/02/2007 INTEL CORPORATION C/O INTELLEVATE, LLC P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER KIM, WESLEY LEO	
			ART UNIT	PAPER NUMBER
			2617	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/02/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/686,446	<b>Applicant(s)</b> DANNEELS, GUNNER D.	
	<b>Examiner</b> Wesley L. Kim	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 23-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/4/06</u>  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 12/4/06 have been fully considered but they are not persuasive.

- Applicant argues that Tosey does not disclose "filtering, at a WWAN signal handling logic, information included in the WWAN signal; determining if an action is to be performed by a processor; and when the action is to be performed by the processor, and the processor is in a low power mode, determining from a filter policy if the information warrants the waking of the processor."

The examiner respectfully disagrees. Tosey teaches "filtering, at a WWAN signal handling logic, information included in the WWAN signal (Par.20;1-4, Par.24, and Par.25, the WWAN filters the incoming signals and sends a wakeup request only for keep-alive, connection clear, or emergency/important/urgent email notifications are received);

determining if an action is to be performed by a processor (Par.20;1-4, Par.24, and Par.25, depending on the incoming message, it is determined whether or not an alarm is sent to the processor) ; and

when the action is to be performed by the processor, and the processor is in a low power mode (Par.24, the processor is sleeping), determining from a filter policy if the information warrants the waking of the processor (Par.20;1-4, Par.24, and Par.25, if the packets comprise keep-alive, connection clear, or

emergency/important/urgent email notifications, i.e. filter policy or rule, then wake up the processor)."

The claim language does not specify what policies are established by the filter policy. To the examiner, the filter policy could be such that, the processor is awakened every time the WWAN module receives a network event and if there is no network event, then don't wake up the processor. Therefore, filtering is occurring at a WWAN signal handling logic, where the processor is only awakened if information regarding a network event is received. The claim language does not teach away from the examiners interpretation, so the examiner stands his ground.

- Applicant argues that Tosey does not disclose any filtering is performed at the WWAN module when a network event occurs and whenever a network event occurs, the WWAN module receives a signal from a VPN server and wakes the processor.

The examiner respectfully disagrees. The examiner notes that the claim language is interpreted such that, it is a WWAN signal handling logic, which performs the filtering. Nothing in the claim language teaches that the WWAN signal handling logic is within the WWAN module or cannot be outside of the WWAN module. To the examiner the VPN is a WWAN signal handling logic, which filters the information and determines if the information warrants the waking of the processor within the WWAN module.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 9, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Tosey (U.S. Pub 2004/0068666 A1).

**Regarding Claims 1, 9, and 23,** Tosey teaches receiving a wireless wide area network (WWAN) signal (Par.20;1-4, Par.24, and Par.25, the WWAN receives IP packets, i.e. WWAN signals);

filtering, at a WWAN signal handling logic (i.e. VPN), information included in the WWAN signal (Par.20;1-4, Par.24, and Par.25, the WWAN signal handling logic filters the incoming signals and sends a wakeup request only for keep-alive, connection clear, or emergency/important/urgent email notifications are received);

determining if an action is to be performed by a processor (Par.20;1-4, Par.24, and Par.25, depending on the incoming message, it is determined whether or not an alarm is sent to the processor) ; and

when the action is to be performed by the processor, and the processor is in a low power mode (Par.24, the processor is sleeping), determining from a filter policy if the information warrants the waking of the processor (Par.20;1-4, Par.24, and Par.25, if the packets comprise keep-alive, connection clear, or emergency/important/urgent email notifications, i.e. filter policy or rule, then wake up the processor).

**Regarding Claim 6**, Tosey teaches all the limitations as recited in claim 1, and Tosey further teaches the WWAN signal is received by a normally-on WWAN module (Par.16;15-19 and Par.22;13-15, the WWAN module is not in sleep mode and Par.24; the WWAN receives the signals and then determines if it needs to wakeup the processor).

**Regarding Claims 7, 24, and 26**, Tosey teaches all the limitations as recited in claims 1 and 23, and Tosey further teaches the WWAN module includes a dedicated battery or receives power from a power source used by the processor to enable it to be normally on and continuously receiving signals. The dedicated battery is inherent based on the electrical decoupling of the WWAN module from the processor so that the processor may go to sleep.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tosey (U.S. Pub 2004/0068666 A1).

**Regarding Claims 8 and 25**, Tosey teaches all the limitations as recited in claims 1 and 23, however Tosey **does not expressly teach** the WWAN module receives power from a power source used by the processor.

On the other hand, one of ordinary skill in the art, at the time of the invention was made would understand that the WWAN module may also use a power source used by the processor as paragraph 17 indicates there is a power management subsystem.

To one of ordinary skill in the art, it would have been obvious to modify Tosey such that the WWAN module receives power from a power source used by the processor, to power the entire Internet Appliance, i.e. WWAN module and the Application processor by the power management subsystem, so that there are not multiple power sources cluttering up the system.

3. Claims 2-5, 10-13, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tosey (U.S. Pub 2004/0068666 A1) in view of Zmudzinski et al (U.S. Pub 2004/0128310 A1).

**Regarding Claims 2, 4, 10, 12, and 27**, Tosey teaches all the limitations as recited in claims 1, 9, and 23, however Tosey **is silent on** determining if the action can be delayed; and if the action cannot be delayed, awakening the processor.

Tosey does teach of a queue (Par.18), which indicates that the WWAN module has the ability to hold information, i.e. traffic.

Zmudzinski teaches that it is known that traffic (i.e. SMS or IM) can be held for a sleeping device until a determined time period (Par.17).

To one of ordinary skill in the art, it would have been obvious to modify Tosey with Zmudzinski, such that determining if the action can be delayed; and if the action cannot be delayed, awakening the processor, to provide a method where the traffic

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can be held until a later time in order to save battery life and to allow the sleeping device to wake up first (Par.16 and Par.17).

**Regarding Claims 3 and 11**, Tosey and Zmudzinski teach all the limitations as recited in claims 2 and 10, and Tosey further teaches awakening the processor includes transitioning the processor from the low power mode to a normal power mode (Par.24, the processor is awakened, i.e. normal power mode).

**Regarding Claims 5 and 13**, Tosey and Zmudzinski teach all the limitations as recited in claims 4 and 12, and including the WWAN signal includes SMS messages (Zmudzinski, par.22 and 17, and Tosey, par.3) and that the WWAN includes queuing the SMS messages (Tosey, par.18, teaches of queue, it would have been obvious to one of ordinary skill in the art to understand that while Zmudzinski teaches that the traffic is held at a network device, this network device could be the WWAN module of Tosey because the WWAN model of Tosey has a memory and is part of a network) and wherein the SMS messages are first stored in a SMC and then forwarded to the WWAN module, this would have been obvious to one of ordinary skill in the art at the time the invention was made because as taught by Zmudzinski, the traffic may be held at a network device (Par.17).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within



TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L. Kim whose telephone number is 571-272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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WLK

*W. Lee Kim*

*George Eng*  
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SUPERVISORY PATENT EXAMINER